

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JAMES M. MORRIS,)	
)	
Plaintiff,)	
)	No. 3:11-cv-0916
v.)	
)	Judge Sharp
TENNESSEE DEPARTMENT,)	Magistrate Judge Griffin
OF CORRECTIONS, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

Pro se Plaintiff James M. Morris filed a Complaint in the Chancery Court of Davidson County, Tennessee on August 9, 2011, against Defendants Tennessee Department of Corrections (“TDOC”) Commissioner Derrick Schofield, TDOC Assistant Commissioner Reuben Hodge, Charles Bass Correctional Complex (“CBCX”) Warden Dwight Barbee, and CBCX employees Michael Allen, William Marks, and Charles Attkisson, wherein he sought relief under 42 U.S.C. § 1983 for violations of his constitutional rights purported to have occurred during his confinement at the CBCX in 2011. This action was transferred to the United States Court for the Middle District of Tennessee on September 27, 2011. *See* (Docket Entry No. 1).

Pending before the Court is *Defendants’ Motion for Summary Judgment* (Docket Entry No. 129). Plaintiff has filed a response in opposition to the motion. (Docket Entry Nos. 144-147).

Magistrate Judge Griffin entered a Report and Recommendation (“R & R”) (Docket Entry No. 148) in this case on June 4, 2013, concluding,

Because the plaintiff seeks to have the disciplinary conviction overturned and seeks restoration of sentence credits, his Due Process claims falls squarely within the Heck/Balisok doctrine . . . [the plaintiff] has not set forth any legal basis that

would remove his Due Process claim from the scope of the Heck/Balisok doctrine and his claim must be dismissed.

[Furthermore,] the plaintiff's allegations [that his Due Process rights were violated upon his placement in IAS] simply fail to support a constitutional claim. . In addition, there is no evidence that any of the Defendants had any role in the plaintiff's continued placement in IAS after his transfer from CBCX to the Morgan County Correctional Complex.

(*Id.* at 7-10). Therefore, the Magistrate Judge recommended that "the motion for summary judgment (Docket Entry No. 129) filed by Defendants Reuben Hodge, Derrick Schofield, Michael Allen, William Marks, Dwight Barbee, and Charles Attkisson be GRANTED and this action be DISMISSED WITH PREJUDICE" (*Id.* at 10). Plaintiff filed a timely objection to the R & R on June 19, 2013. (Docket Entry No. 151).

Having considered the matter *de novo* in accordance with Fed. R. Civ. P. 72(b), the Court agrees with the Magistrate Judge's recommended disposition.

Accordingly, the Court hereby rules as follows:

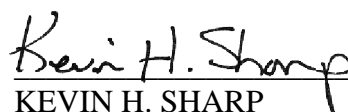
(1) The Report and Recommendation (Docket Entry No. 148) is hereby ACCEPTED and APPROVED and the objection thereto (Docket Entry No. 151) is hereby OVERRULED;

(2) *Defendants' Motion for Summary Judgment* (Docket Entry No. 129) is hereby GRANTED; and

(3) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE